

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SETONDJI VIRGILE NAHUM,)
)
Plaintiff,)
)
vs.) Case No. 4:20 CV 1524 RWS
)
LMI AEROSPACE, INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before me on Defendant LMI Aerospace's motion to compel.

Plaintiff Setondji Virgile Nahum has filed a response in opposition. LMI seeks to compel (1) employment information from after Nahum was terminated at LMI; (2) complete documentation relating to Nahum's damages calculations; and (3) Nahum's 2020 and 2021 tax filings.

Employment information

In RFP Nos. 4, 5, and 10, LMI requested documents concerning Nahum's efforts to secure or maintain employment after his termination from LMI; applications and/or job offers or rejections from other employers; and documents concerning unemployment compensation that he applied for and/or received. Nahum asserts that this request is "futile and redundant" because he has already

provided LMI with “hundreds of pages that address this issue” and there are no documents left to produce.

If Nahum does not have more documents, then he has complied with this request.

Damages documentation

LMI asserts that Nahum has “never provided documents to support his alleged damages, nor has he provided a straightforward explanation/calculation as to how he arrived at the number he claims to be owed.” Nahum represents that he has provided this information already and has told LMI that “if/when supporting details are found, they would be produced.” At this time, he represents that he has no additional materials to produce but will supplement his response if he identifies more documents by the close of discovery. This assertion is inconsistent with the excerpts of his deposition testimony that LMI submitted in support of its motion. Nahum testified that he would produce certain documents supporting his damages claim (specifically, documents about his accrued debt and personal item losses). If he has not produced the documents as promised, he shall do so no later than August 31, 2022.

Tax filings

Nahum characterizes this request as “yet again futile and non-sensical,” but nonetheless asserts that he “intends to produce these materials but with redacted

personal info and earning details so as to only display [his] info and earning[s].” It appears that the parties agree on the necessity of producing these materials. Nahum shall produce them no later than August 31, 2022.

Accordingly,

IT IS HEREBY ORDERED that Defendant LMI Aerospace’s motion to compel, [101], is **GRANTED** in part and **DENIED** in part, as explained above.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 26th day of August, 2022.